



An
Bord
Pleanála

Board Order

PL 06F.247458

Planning and Development Acts 2000 to 2016

Planning Authority: Fingal County

Planning Register Reference Number: FW16A/0006

Appeal by Eithne Loftus of 6 Deerpark Avenue, Castleknock, Dublin and by others against the decision made on the 28th day of September, 2016 by Fingal County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of BMA Planning of 128 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: A mixed use development with a total gross floor area of 4,896 square metres and comprising three separate blocks arranged around a new street and public spaces. The three number blocks contain the following accommodation: Block A (1,380 square metres: mixed use block containing three number shop units (totalling 378 square metres), one number café (65 square metres) with residential development above consisting of six number three duplex apartments and two number two bed apartments. The six number duplex apartments are provided with balconies and roof gardens (including private storage areas). Roof gardens are internally accessed from each unit via a staircore which extends to roof level. The proposed building is a three storey building, with a maximum height of 13.5 metres to the top of the roof level circulation core. Block B (838 square metres): mixed use block comprising medical centre (428 square metres) over ground floor shop unit (410 square metres). The proposed building is a two storey with a maximum height of 9.75 metres from the adjacent new street level. Block C (2,110

square metres): mixed use block containing a supermarket incorporating ancillary bakery and off-licence sales area of 1,295 square metres (net retail sales area) and an independent shop unit (48 square metres). The supermarket is located over a surface level undercroft car park containing 59 number car parking spaces and connection from the car park to the retail above is contained within a circulation area (via travellers, lift and stair cores). The proposed building is a three storey equivalent structure with a maximum height of 11.5 metres from the adjoining new street level. The supermarket is serviced by an external delivery/service area and dock leveller. A total of 98 number parking spaces are proposed (59 number undercroft parking spaces beneath supermarket building, 27 number surface parking spaces and 12 number surface parking spaces associated with the residential units). Access is provided from the existing entrance on the Castleknock Road which is to be upgraded and improved. Permission is also sought for associated landscaping, boundary treatment, signage and all associated site and development works, including the demolition of the existing buildings (including the single storey commercial premises, incorporating a flower shop and former betting office and a vacant dwelling, known as Church View totalling 626 square metres. Part of this site is located within the Castleknock Village Architectural Conservation Area, all at Castleknock Village (0.813 hectares lands to the north of properties fronting Castleknock Road including Castleknock Village/Ashleigh Shopping Centre, south of Saint Brigid's School and west of the Castleknock Park housing estate), Castleknock, Dublin, as amended by the further public notice received by the planning authority on the 14th day of July, 2016.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the pattern of development in the area, the zoning provisions of the site as set out in the Fingal Development Plan 2017-2023, the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, the planning history of the site, and the design, layout and mixed use nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of July, 2016 and the 2nd day of September, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the opening of the supermarket unit in Block C, Block A shall be fully constructed in accordance with the submitted drawings.

Reason: In the interests of orderly development.

3. Any sub-division, amalgamation or change of use of any of the units on site, whether or not such works or change of use would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, shall not be undertaken without a prior grant of planning permission.

Reason: In the interest of clarity and orderly development.

4. Prior to commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
 - (a) The materials, colours and textures of all the external finishes to the proposed development.
 - (b) All plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development.
 - (c) Any security grills/shutters to be provided shall be internally fitted, colour finished and be of a see through variety.
 - (d) All external signage shall be located within the landholding. A co-ordinated overall design shall be submitted for all external signage including site identification and directional signs within the development. No signage shall be backlit.
 - (e) Details of the proposed lighting system to serve the development.
 - (f) Details of the extent of the access road and footpath to be taken in charge by the planning authority for the purposes of traffic management and traffic and pedestrian safety.

- (g) Details of the works to the public road to upgrade the junction of Castleknock Road/College Road/site access road, including road markings, signage and the location of control loops.
- (h) Adequate cycling spaces shall be provided on-site in compliance with Fingal County Development Plan 2017-2023.
- (i) Details of the car park control system. The system shall include the implementation of paid parking if the demand for car parking exceeds supply. The decision on whether parking demand outstrips supply shall lie with the planning authority.

Reason: In the interests of visual amenity and orderly development and traffic safety.

- 5. The internal road network serving the proposed development, including turning bays, loading bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 6. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings, or within the curtilage of the site, in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Prior to the opening of the supermarket unit in Block C for public trading, a management scheme providing adequate measures relating to the future maintenance of the overall landholding including storm water attenuation, roads, public toilets, parking areas, landscaping, litter, services, security and public lighting shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to ensure the adequate future maintenance of all areas of the development and in order to protect the amenities of the area.

8. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all retail and medical units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of the poplar trees at the eastern boundary of the site shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

13. The trading hours of the retail units, including the supermarket, shall not exceed 09.00 to 21.00 Monday to Saturday and 10.00 to 21.00 on Sunday. Deliveries to the supermarket shall not commence prior to 0730 hours Monday to Saturday and 0830 hours on Sunday and public holidays and no delivery vehicles shall be on site after 2200 hours Monday to Sunday.

Reason: In the interest of the residential amenities of property in the vicinity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development.

16. The landscaping scheme shown on the Landscape Plan drawing number 13-344-PD-01, as submitted to the planning authority on the 2nd day of September, 2016 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) No planting shall be provided at the location of the future connection point to the lands to the north of the application site. All lighting standards and feature boulders proposed at this location shall be omitted.
- (b) The boundary wall between the application site and the Ashleigh Shopping Centre site shall be removed between car parking space numbers 78 and 85, and replaced with bollards or similar impediment to prevent vehicular traffic between the two sites.
- (c) The pedestrian linkages between the application site and the Ashleigh Shopping Centre and Castleknock Village Shopping Centre shall be installed and fully operational no later than four weeks following the opening of the supermarket unit in Block C.
- (d) A two metre high concrete or blockwork wall shall be constructed along the eastern boundary of the site, adjacent to Castleknock Park residential estate. Prior to commencement of development, the developer shall submit details of the proposed wall to the planning authority for written agreement, including a method statement indicating how the wall shall be constructed without significantly impacting on the root systems or integrity of the poplar trees at this location.
- (e) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

17. The developer shall provide for a piece of public art, the detailed design of which shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity and to comply with objective DMS05 as set out in the Fingal County Development Plan 2017-2023.

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the poplar trees at the eastern boundary of the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees at the site boundary.

20. The developer shall pay to the planning authority a financial contribution in respect of the provision of 600 square metres of public open space, in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the costs of providing services that will benefit the proposed development.

